

NO. 069074

STATE OF TEXAS

vs.

JUAN CAROLOS FLORES

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§

IN THE 15th JUDICIAL
FILED IN
5th COURT OF APPEALS
DISTRICT COURT OF TEXAS
1/9/2019 2:56:51 PM
GRAYSON COUNTY, TEXAS
LISA MAIZ
Clerk

NOTICE OF APPEAL

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW Juan Carlos Flores, Defendant in the above-styled and numbered cause,
and desires to appeal the conviction and sentence to the Fifth Court of Appeals of Texas.

Respectfully submitted,
Switzer | Oney Attorneys at Law, PLLC

\s\ Jeromie Oney
Jeromie Oney
P.O. Box 2040
Gainesville, Texas 76241
(940) 665-6300
Fax: (940) 665-6301
State Bar No. 24042248
jeromie.oney@thesolawfirm.com

ATTORNEY FOR APPELLANT

CERTIFICATE OF SERVICE

I hereby certify that a copy of the above and foregoing Notice of Appeal was served
on the Grayson County District Attorney's Office on this the 8th day of January 2019.

\s\ Jeromie Oney
Jeromie Oney

CAUSE NO. 069074

STATE OF TEXAS

VS.

JUAN CARLOS FLORES

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IN THE DISTRICT COURT

15TH JUDICIAL DISTRICT

GRAYSON COUNTY, TEXAS

**TRIAL COURT'S CERTIFICATION
OF DEFENDANT'S RIGHT OF APPEAL**

FILED FOR RECORD
BY *[Signature]*
2018 DEC 17 PM 4:14
KELLY ASHMORE
DISTRICT CLERK
GRAYSON CO. TX

I, Judge of the 15th Judicial District Trial Court, certify this criminal case:

- ☐ is not a plea-bargain case, and the defendant has the right of appeal. [OR]
- ☐ is a plea-bargain case, but matters were raised by written motion filed and ruled on before trial and not withdrawn or waived, and the defendant has the right of appeal. [OR]
- ☐ is a plea-bargain case, but the trial court has given permission to appeal, and the defendant has the right of appeal. [OR]
- ☐ is a plea-bargain case, the defendant has NO right of appeal. [OR]
- ☐ the defendant has waived the right of appeal.

Raylan M. Nance Jr.
Judge Presiding

12-17-18
Date Signed

- * I have received a copy of this certification.
- * I have also been informed of my rights concerning any appeal of this criminal case, including any right to file a *pro se* petition for discretionary review pursuant to Rule 68 of the Texas Rules of Appellate Procedure.
- * I have been admonished that my attorney must mail a copy of the court of appeal's judgment and opinion to my last known address and that I have only (30) days in which to file a *pro se* petition for discretionary review in the court of appeals. TEX. R. APP. P. 68.2
- * I acknowledge that, if I wish to appeal this case and if I am entitled to do so, it is my duty to inform my appellate attorney, by written communication, of any change in the address at which I am currently living or any change in my current prison unit.
- * I understand that, because of appellate deadlines, if I fail to timely inform my appellate attorney of any change in my address, I may lose the opportunity to file a *pro se* petition for discretionary review.

Juan Flores
DEFENDANT

ADDRESS

PHONE NUMBER

[Signature]
ATTORNEY FOR DEFENDANT

STATE BAR NUMBER

ADDRESS

PHONE NUMBER

FAX NUMBER



CASE NO. 069074

COUNT 1

INCIDENT NO./TRN: 9242103276 TRS: A001

THE STATE OF TEXAS

V.

JUAN CARLOS FLORES

STATE ID No.: TX

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IN THE 15TH DISTRICT COURT

COURT

GRAYSON COUNTY, TEXAS

JUDGMENT OF CONVICTION BY JURY

Judge Presiding: **HON. Rayburn M. Nall**

Date Judgment Entered: **December 17, 2018**

Attorney for State: **Matthew Rolston**

Attorney for Defendant: **Jeromie Oney**

Offense for which Defendant Convicted:

AGG ROBBERY

Charging Instrument:
Indictment

Statute for Offense:
29.03, Penal Code

Date of Offense:
September 04, 2017

Degree of Offense:
1st Degree Felony

Plea to Offense:
Not Guilty

Verdict of Jury:

GUILTY

Findings on Deadly Weapon:

Pursuant to article 42.12, Section 3g, Code of Criminal Procedure & HB156 (77R) the court affirmatively finds that the Defendant used or exhibited a deadly weapon, namely, a power drill, during the commission of a felony offense or during immediate flight therefrom or was a party to the offense and knew that a deadly weapon would be used or exhibited

Plea to 1st Enhancement Paragraph: **Not True**

Plea to 2nd Enhancement/Habitual Paragraph: **na**

Findings on 1st Enhancement Paragraph: **True**

Findings on 2nd Enhancement/Habitual Paragraph: **na**

Punished Assessed by:
Court

Date Sentence Imposed:
December 17, 2018

Date Sentence to Commence:
December 17, 2018

Punishment and Place of Confinement: **15 years Texas Department of Criminal Justice**



THIS SENTENCE SHALL RUN CONCURRENTLY UNLESS OTHERWISE SPECIFIED.

☐ **SENTENCE OF CONFINEMENT SUSPENDED, DEFENDANT PLACED ON COMMUNITY SUPERVISION FOR N/A.**

Fine: Court Restitution: Restitution Payable to:
Costs:

\$ 0.00

\$ 562.00

\$ 0.00

☐ **VICTIM** (see below)

☐ **AGENCY/AGENT** (see below)

Sex Offender Registration Requirements Do Not Apply to the Defendant. TEX. CODE CRIM. PROC. chapter 62.

The age of the victim at the time of the offense was N/A.

If Defendant is to serve sentence in TDCJ, enter incarceration periods in chronological order.

From 2/13/2018 to 2/16/2018

Time From 2/17/2018 to 12/16/2018
Credited:

If Defendant is to serve sentence in county jail or is given credit toward fine and costs, enter days credited below.

DAYS NOTES:

All pertinent information, names and assessments indicated above are incorporated into the language of the judgment below by reference.

This cause was called for trial in Grayson County, Texas. The State appeared by her District Attorney.

Counsel / Waiver of Counsel (select one)

☒ Defendant appeared in person with Counsel.

☐ Defendant knowingly, intelligently, and voluntarily waived the right to representation by counsel in writing in open court.

It appeared to the Court that Defendant was mentally competent and had pleaded as shown above to the charging instrument. Both parties announced ready for trial. A jury was selected, impaneled, and sworn. The Indictment was read to the jury, and Defendant entered a plea to the charged offense. The Court received the plea and entered it of record.

The jury heard the evidence submitted and argument of counsel. The Court charged the jury as to its duty to determine the guilt or innocence of Defendant, and the jury retired to consider the evidence. Upon returning to open court, the jury delivered its verdict in the presence of Defendant and defense counsel, if any.

The Court received the verdict and **ORDERED** it entered upon the minutes of the Court.

Punishment Assessed by Jury / Court / No election (select one)

☐ **Jury.** Defendant entered a plea and filed a written election to have the jury assess punishment. The jury heard evidence relative to the question of punishment. The Court charged the jury and it retired to consider the question of punishment. After due deliberation, the jury was brought into Court, and, in open court, it returned its verdict as indicated above.

☒ **Court.** Defendant elected to have the Court assess punishment. After hearing evidence relative to the question of punishment, the Court assessed Defendant's punishment as indicated above.



☐ **No Election.** Defendant did not file a written election as to whether the judge or jury should assess punishment. After hearing evidence relative to the question of punishment, the Court assessed Defendant's punishment as indicated above.

The Court **FINDS** Defendant committed the above offense and **ORDERS, ADJUDGES AND DECREES** that Defendant is **GUILTY** of the above offense. The Court **FINDS** the Presentence Investigation, if so ordered, was done according to the applicable provisions of TEX. CODE CRIM. PROC. art. 42.12 § 9.

The Court **ORDERS** Defendant punished as indicated above. The Court **ORDERS** Defendant to pay all fines, court costs, and restitution as indicated above.

Punishment Options (select one)

☒ **Confinement in Texas Department of Criminal Justice.** The Court **ORDERS** the authorized agent of the State of Texas or the Sheriff of this County to take, safely convey, and deliver Defendant to the **Director, Texas Department of Criminal Justice, .** The Court **ORDERS** Defendant to be confined for the period and in the manner indicated above. The Court **ORDERS** Defendant remanded to the custody of the Sheriff of this county until the Sheriff can obey the directions of this sentence. The Court **ORDERS** that upon release from confinement, Defendant proceed immediately to the Grayson County Justice Center—Collections Department. Once there, the Court **ORDERS** Defendant to pay, or make arrangements to pay, any remaining unpaid fines, court costs, and restitution as ordered by the Court above.

☐ **County Jail—Confinement / Confinement in Lieu of Payment.** The Court **ORDERS** Defendant immediately committed to the custody of the Sheriff of **Grayson County, Texas** on the date the sentence is to commence. Defendant shall be confined in the **Grayson County Jail** for the period indicated above. The Court **ORDERS** that upon release from confinement, Defendant shall proceed immediately to the Grayson County Justice Center—Collections Department. Once there, the Court **ORDERS** Defendant to pay, or make arrangements to pay, any remaining unpaid fines, court costs, and restitution as ordered by the Court above.

☐ **Fine Only Payment.** The punishment assessed against Defendant is for a **FINE ONLY**. The Court **ORDERS** Defendant to proceed immediately to the Office of the **Grayson County Justice Center—Collections Department**. Once there, the Court **ORDERS** Defendant to pay or make arrangements to pay all fines and court costs as ordered by the Court in this cause.

Execution / Suspension of Sentence (select one)

☒ The Court **ORDERS** Defendant's sentence **EXECUTED**.

☐ The Court **ORDERS** Defendant's sentence of confinement **SUSPENDED**. The Court **ORDERS** Defendant placed on community supervision for the adjudged period (above) so long as Defendant abides by and does not violate the terms and conditions of community supervision. The order setting forth the terms and conditions of community supervision is incorporated into this judgment by reference.



The Court ORDERS that Defendant is given credit noted above on this sentence for the time spent incarcerated.

Furthermore, the following special findings or orders apply:

Signed and entered on 27 day of Dec, 2018.

X Rayburn M. Nall
Rayburn M. Nall
JUDGE PRESIDING

FILED FOR RECORD

BY

DM

2018 DEC 27 PM 2:29

KELLY ASHMORE
DISTRICT CLERK
GRAYSON, TX

NO. 069074

THE STATE OF TEXAS:

VS.

JUAN CARLOS FLORES

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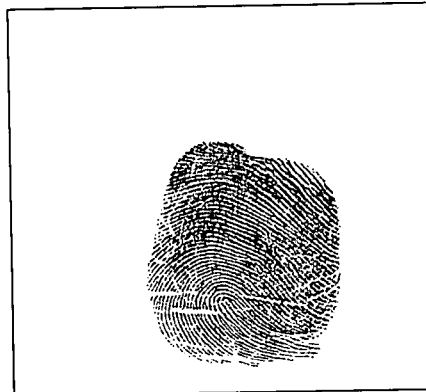
IN THE 15TH DISTRICT COURT

OF

GRAYSON COUNTY, TEXAS

CERTIFIED FINGERPRINT


RIGHT THUMB PRINT OF DEFENDANT



JCF

PRINT TAKEN BY: _____

Kelly Ashman
DISTRICT CLERK
GRAYSON COUNTY, TEXAS
[Signature]
DEPUTY
DATE: 12/17/2018



NO. 069074

STATE OF TEXAS	§	IN THE 15th JUDICIAL
	§	
vs.	§	DISTRICT COURT OF
	§	
JUAN CARLOS FLORES	§	GRAYSON COUNTY, TEXAS

DEFENDANT'S MOTION FOR NEW TRIAL

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW, the Defendant in the above-styled and numbered cause, by and through his attorney of record, Jeromie Oney, and files this Motion for New Trial; and in support thereof would show this Honorable Court as follows:

I.

The Defendant was convicted in the instant case on December 17, 2018 for the offense of Aggravated Robbery. The Defendant was subsequently sentenced to 15 years confinement TDCJ-ID. This Motion is timely in that less than 30 days have elapsed since the trial court imposed or suspended sentence in this case.

II.

The Defendant in this case should be granted a new trial in this case because the verdict is contrary to the law and the evidence.

WHEREFORE, PREMISES CONSIDERED, the Defendant hereby specifically requests that the Court grant an actual hearing on this Motion in the instant cause and that subsequent to the hearing of said Motion that the Defendant be restored to the position he was in before the trial of this case.

Respectfully submitted,

Switzer | Oney Attorneys At Law, PLLC
P.O. Box 2040
Gainesville, TX. 76241
940-665-6300
Fax 940-665-6301

\s\ Jeromie Oney

By: Jeromie Oney
SBN: 24042248

ATTORNEY FOR DEFENDANT

CERTIFICATE OF SERVICE

This is to certify that on the 8th day of January, 2019, a true and correct copy of the above and foregoing document was served on the Cooke County District Attorney's Office.

\s\ Jeromie Oney
Jeromie Oney